

YORK COUNTY SUPERIOR
SEP 2 '20 PM 12:41DOMINGUS NOBREGA^{CR}, CORP, et al, Trade NAME
UCC Contract # ME, S.O.C. 20200270107900049-27
Plaintiff (Multiple), Estate, Victims,

Docket No.: CV-20-

v.

YORK COUNTY^{CR} et al, INC
YORK COUNTY SHERIFF et al,
DEFENDANTSCOMPLAINT FOR GROSS NEGLIGENCE, etc,
ENDANGERMENT, MAINE CONST., SEC 9, CIVIL RIGHTS,
INCLUDING ALLEGATION THAT PLAINTIFF IS UNABLE
TO DETERMINE DEFINITELY WHICH OF SEVERAL
PERSONS IS RESPONSIBLE, RULE 23(a)(b)(c)(d)

COMES NOW the Plaintiff(s)/Estate, D. NOBREGA^{CR} (herein now Estate),
(Along With Estate is Multiple Plaintiffs) The Estate is Registered & Copy Righted & Bonded
With Immunity Bonds, by an Private Discharge Indemnity Bond & Private Set Off
Bond, With all Said names/NAMES with the (ucc Contract) Secretary of the U.S.
Treasury, Steven T. Mnuchin, by a Private (Exempt from Levy) Discharge Indemnity
Bond # 430100198 - Issued 11/12/19 & a Private Set Off Bond # 430100184 - Issued
11/08/19, the Maturity on both Bonds is 11/27/2088 in the Value of \$50,000,
000,000.00 usd for [any] Levies, Charges, Cases, True Bills, Taxes, Fines, Fees,
Judgments, Presentments, etc., Any use of Trade Name, Trade Mark, & or Copy Right
Name DOMINGUS NOBREGA^{CR} or any facsimile thereof is hereby Unauthorized &
~~aff~~ fined/Levied by UCC Contract) With the Estate's Only Authorized Rep.,
the Copy Righted & Reg., Executor of Estate, Sir. domingus: nobrega^{CR} ucc1-308
hereby Presents/Submits this Law Suit (RULE 23) Complaint, COMPLAINT.
FOR GROSS NEGLIGENCE, etc, ENDANGERMENT, MAINE CONST., SEC 9, CIVIL RIGHTS,
INCLUDING ALLEGATION THAT PLAINTIFF(S) IS UNABLE TO DETERMINE DEFINITELY
WHICH OF SEVERAL PERSONS IS RESPONSIBLE, RULE 23(a)(b)(c)(d),
to this Court. (i.e. See Attached Multiple Plaintiff List & Affidavits from
Plaintiffs-Notarized) *** COVID-19 Outbreak at Jail ***

VERIFICATION

WHEREBY the NOBREGA⁰⁸ Estate hereby States the following (& above) Statement(s) by Estate, (& or Plaintiff(s)) is hereby held True & Correct to the best of the Estate's knowledge & now held under the MAINE STATE Statute of Penalty of Perjury Laws & U.S. Statute of Penalty of Perjury, Title 28 usc § 1746.

Dated.: Aug/28/2020

DOMINGUS NOBREGA⁰⁸ vcc 3-603(b)
Signature of Estate - Victim

The Estate hereby States he is of Sound/Conscious mind & Body, to Subscrib Such a Complaint & has Completed High School & Some College to hold the full understanding of this Complaint he is Undersigned to.

POINTS OF AUTHORITY

- 1.: MAINE CONST. SEC 9-Cruel & Unusual Punishment; SEC 1;
- 2.: MAINE CIVIL RIGHTS & HUMANITARIAN RIGHTS;
- 3.: MAINE CDC-Infectious Disease:

All Prison Officials (i.e. Jail Staff at York County) have an [Obligation to Protect] Prisoners from the risk of Infectious Diseases. See Dkt: U.S. Dist. Jolly v. Coughan, 76 F3d 468, 477 (2d CIR 1996) (United States Constitution 8th Amendment-Cruel & Unusual Punishment) Also see: Helling v. McKinney, 509 U.S. 25, 33, 113 S.Ct. 2475 (1993) Citing Cases Condemning the failure to Separate Prisoners with Contagious Diseases from others. (added: This means Contagious officers from Prisoners too)

4.: Cruel & Unusual/Deliberate Indifference Standard(s):

Supreme Court has held that unsafe conditions that "Pose an Unreasonable risk of Serious damage to a Person/ Prisoners Future Health" may Violate (added: such as COVID-19) the 8th Amendment (added: For the STATE OF MAINE CONST., SEC 9 For this matter) even if the damage has not yet Occurred & May not affect every person/Prisoner exposed to the Conditions. (See: HELLING vs. McKINNEY)

The 8th Amendment (ME, CONST., SEC 9) "Draws its meaning from the evolving Standards of decency that mark the Progress of a Maturing Society." (RHODES vs. CHAPMAN)

In Cases Involving risks to Health or Safety, Courts must "Assess Whether Society Considers the risk that the Prisoner(s) Complains of to be so grave that it Violates Contemporary Standards of decency to expose anyone Unwillingly to Such a Risk. In other words, the Prisoner must show that the risk of which he Complains is [not] one that todays Society Chooses to tolerate."

Deliberate Indifference under 8th Amendment (ME, CONST., SEC 9) Supreme Court has held that a prison official can be found reckless (added: Such as YCJ, Officers K. CHARLMERS & BAILEY who brought COVID-19 in the Jail knowingly) or Deliberately Indifferent if "the Official knows of & disregards an excessive risk to Inmate Health or Safety" (FARMER 511 U.S. at 837.)

(C/O CHARLMERS wife had COVID-19 for a week, the C/O knew it & knew he had it & Came to Work at the Jail anyway, BAILEY COUGHT the virus up State ME at a Wedding & brought it to the Jail,

STATEMENT OF COMPLAINT

YORK COUNTY SUPERIOR
SEP 2 '20 PM 12:42

WHEREFORE the Estate, with the Multiple Plaintiffs, (see: attached multiple Plaintiff list & affidavit) hereby State/Claim that the York County Jail Sheriff-WILLIAM KING, Lt. COL VITILLO along with all of the York County Administration did knowingly & Willingly place the Estate & Plaintiffs life/lives & Safety & Security in Perpetual Jeopardy. When the Sheriff & Lt. COL. did Order all York County Jail Staff to disregard Governor Janet Mills & the MAINE CDC's Mandated Order in Phase One of the COVID-19 Pandemic, that all Jails & Prison Staff (Institutions) must Wear P.P.E. Face Masks at Work & be test & or question on health every day. Prisoners were ordered to wear P.P.E. by CDC too. From March (Phase One) to the Week of August 19th 2020 the York County Staff refused to wear P.P.E. Face Masks & told Prisoners if they make or wear Face Masks they will be taken to Special Housing Unit. (i.e. the Hole.) York County Staff furthered disregarded the CDC mandate by not Social Distancing Prisoners in Units & Placing 2 Prisoners Per Cell. (6x12 Cell) (Maine DOC Rules for Cubic Ft per Cell per Person is 70 Cubic Ft for One Prisoner. York County Cells are 6x12 with 2 tables with Stool & Sink/Toilet) Now Since the York County Sheriff had order Jail Staff to not follow CDC Guidelines/Mandates, (2) two Correction Officers who Contracted COVID-19 from their Wives, knowingly & Willingly with COVID-19 came to work at the Jail, to Spread COVID-19 to other Officers & to the Estate & Plaintiffs. (Officer CHARLMERS & BAILEY Contracted COVID-19)

The Estate hereby States on or around (Jail Grievance LOG# 5883 6/23/20) June 25 2020 Correction Officer Karry CHARLMERS did State to the Estate while Prisoner Jared Cascio & Rafael Abreu was Standing there listening, Stated "I don't Care if I get COVID-19" "If G-d wants me to get COVID-19 I'm going to get it" "Its my right not to Wear a Face Mask".

This very Statement from the Officer Shows his willingness to/in Gross Negligence, Endangerment upon Prisoner & Staff alike. Correction Officer CHARLMERS wife had COVID-19 for a week during around the time of the Millinocket Wedding. (Aug. 7th) Instead of the Officer reporting his wife ^{has} COVID-19 to his Commanding Officer & or he him Self has been exposed to COVID-19, he just disregarded every ones Safety & Security & Health by keeping quiet and Work anyways infected.

This action by Correction Officer CHARLMERS Clearly Showed disregard for the Estate's & Plaintiff life, Safety & Security & **Future Health & Mental Health** by disregarding CDC Mandatory Health Guidelines. Which coincides with the Order Governor Janet Mills Mandated & Which Prior Supreme Court rulings had also held. (see: Jolly v. ~~Mc~~ Coughan; see Helling v. McKinney)

It was the Sheriff Oath to Office Sworn duty to [Obligation] Protect everyone in the Jail daily. He (Sheriff) Should have had daily Screening of all Officers Coming into the Jail along with weekly COVID-19 tests done. The Sheriff Should have followed CDC mandate at Phase One and forced everyone in the Jail to Wear P.P.E. Face Masks, & this Outbreaks may have been avoided.

The Estate & or the Plaintiffs hereby further State that had Sheriff KING followed CDC Guidelines the **Physical Health & [Mental Health]** would not be in Perpetual Jeopardy and or ~~danger~~ endangerment of a Shorten life Span. Due to Gross Negligence & Cruel & Unusual Punishment of the Maine Constitution.

The Estate & or the Plaintiffs hereby State/Claim that Correction Officer BAILEY & his Wife did Contract COVID-19 When they both attended the Millinocket Wedding. After C/O ^(Aug 7) BAILEY had attended the Millinocket Wedding and Contracted COVID-19 he Came to Work infected, infecting Officers & the Estate & Plaintiffs (but not limited to) in the Unit BAILEY (B-3 unit) was assigned to. Further Placing lives in danger, the Whole time no Correction Officer was forced to wear P.P.E. This all could have been prevent by CDC recommendation of daily Screening of Officers Coming into the Jail & P.P.E. Worn all day every day. This Shows Gross Negligence & endangerment of Everyone at the York County Jail, the Estate & Plaintiff are Called Tertiary Cases by CDC.

The Estate & or the Plaintiffs hereby State/Claim that in the Portland Press Herald on Thursday 27 2020 on page B-1 & B-3, Eric Russell-207-791-6344-Reported: "The (Millinocket) Wedding Outbreak has been linked to 18 Cases at the York County Jail, which are among the 85 Cases" (added: CDC Report) "Maine CDC Director Dr. Nirav Shah said Tuesday that, An employee at York County Jail also attended the Wedding, although it's not clear yet how many Cases at the Jail can be traced to Millinocket." "One person

who did not attend the reception but was a Close Contact of an attendee has died of COVID-19."

"GOV. Janet Mills said Tuesday that despite the State's overall low case numbers, the Millinocket wedding reception illustrates why it's important to not get "Pandemic fatigue" & start socializing like people did pre-pandemic, because one party (added: or jail not wearing P.P.E. Face Masks) where people don't wear masks & physical distance can cause a major outbreak". This outbreak has hit the County Jail due to % BAILEY's Gross Negligence, along with % CHARLMERS, placing the Estate & Plaintiff's (but not limited to) in fear, distress, duress, anxiety of their Physical Health & Mental Health, future Health risks. (The Estate will have Psychological issues)

The Estate & or Plaintiffs hereby State/Claim that % BAILEY did know the CDC mandated Guidelines due to he works at the Sheriff Department. BAILEY did know about the GOV Order in March on Masks & Social distancing along with NO large gatherings. (i.e. Parties) Yet BAILEY a Sheriff's Jail deputy ignored the GOVERNOR & CDC and went to a Public Gathering with NO mask. Due to he thought because he worked for the York County Sheriff he was protected/immune from all Guidelines, because the Sheriff told his deputies not to follow the CDC Guidelines at the Jail. (New COVID-19 Cases..24; Total Cases..4,389; New death..1; Total Deaths..132; Active Cases..439; this has been reported by the CDC.) The (with NO Screening Millinocket Wedding happen August 7th, Jail tested Positive Aug. 20 the 2 COVID-19 infected % had worked in B-3 for 13 days.

Furthermore to Sum this all up, the Estate & Plaintiffs (but not limited to) hereby States that in August the Week of the 7th 2020 (2) two York County Jail Correction Officers had Contracted COVID-19 from their Wives and brought it into the Jail. The two (2) %'s did know they had COVID-19 & did knowingly & Willingly Come to work Infected, & Would infect other(s) York County Correction Officers. In turn also infecting Prisoners & the Estate, Placing the Estate & Plaintiffs existence (life) in jeopardy along with their Mental Health. The Estate & Plaintiffs Physical Health, Mental Health & Well being has been Compromised & now Will have ever lasting COVID-19 effects the rest of there lives along with Mental Health issues. The Mental health issues of duress, distress, anxiety, fear etc., but not limited to, & this will take place for life, the Estate & Plaintiffs Will live in Perpetual fear. The Estate in a Jail Sick Call on 26th, but before that, on August 22 told a York County Correction Officer (See: Jail Grievance LOG#5937 of Estate) Leach he was experiencing Chest pains, breathing issues & more, & it feels like a Weight is on his Chest, the % Said "its only Stress/anxiety only, your ok!" "go sit down". The Officer Closed the Estate's Cell door & Walked back to his desk and Refused to Call Medical. (See: Estate's attached Affidavit)

Once Again this is all due to the York County Sheriff & Lt COL. VITILLO ordering all Jail Staff to ignore CDC Health Mandate (What's the Point for the Maine CDC to Put out Guidelines to keep Safe during the Pandemic & GOV Janet Mills ordering the State, County(ies), Sheriff etc. to Comply with the CDC, & they Refuse, Placing the lives in danger they took a Oath to Protect?)

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& not to wear P.P.E. Face Masks in the Jail. This Order by the Sheriff came after Gov. Janet Mills & the CDC of Maine mandated State Wide, all Jails & Prisons to have all Staff & Prisoners wear P.P.E. Masks throughout the COVID-19 Pandemic. This Mandate was made back in Phase One in March. Even the School Teachers for the Jail refused to come back to the Jail to teach GED etc, due to Officers refusing to wear P.P.E. Face Mask in the Jail.

Thank You

CONCLUSION

WHEREBY the NOBREGA Estate & Plaintiffs hereby State their Conclusion to this Court. This COMPLAINT Should hereby be GRANTED & a Monetary Settlement given along with a injunction Set in Place, Part of the injunction is that Sheriff King is removed from law enforcement duties for the rest of his life, along with Lt COL Vitillo & all Captains in the Sheriff's Department in York County. (The Sheriff knowingly & willingly put lives at risk!) Due to their (York County Sheriff et al) Gross Negligence, Endangerment, to life, liberty & Safety & Security of Estate & Plaintiffs, while also Violating Civil Rights, Humanitarian Rights & Maine CONST., SEC 9 - Cruel & Unusual Punishment through deliberate indifference, Negligence & Abuse of Power. By refusing to follow CDC Mandates for Jails & Prisons. Now the Estate & Plaintiffs have now been exposed to COVID-19 & Will need Medical treatment due to the York County Sheriff. The Estate was not exposed to COVID-19 till Now, Aug 8th thru... Thank You.

Respectfully Submitted

Dated: Aug 28 2020

DOMINGUS NÓBREGA ^{CR} vcc 3-603(b)

Signature of Estate
vcc Contract # 20200210107900049-27

CERTIFICATE OF SERVICE

Whereby the Estate hereby submits the following Certificate of Service to the Clerk. Due Service has been made upon the Clerk by regular mail, postage pre-paid to 45 Kennebunk Rd, Alfred ME, [04002], due to the false Imprisonment by the Court & Sheriff, the Estate is forced into indigent and has to have the Clerk serve all Defendants

Thank You

DOMINGUS NOBREGA ^{CR} vcc 3-603(b)

Signature of Estate
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